

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Maneesh Gulati on January 8, 2010.

The application has been amended as follows:

Claim 23 has been canceled.

Claim 13 (currently amended). A method for producing a protein comprising the amino acid sequence of SEQ ID NO:3, wherein the method comprises the steps of culturing the host cell of claim 6, and collecting [a] the recombinant protein from said cell or the culture supernatant thereof.

Claim 20 (currently amended). A method for improving the regeneration ability of a plant, wherein the method comprises the step of [regulating] increasing the activity of an endogenous protein encoded by the DNA of claim 1 in the plant.

Claim 21 (currently amended). A method for selecting a transformed plant cell, wherein the method comprises the steps of:

(a) introducing a plant cell with a vector comprising the DNA of claim 1 as a selection marker; and

(b) culturing the plant cell and selecting plant cells that have acquired or increased regeneration ability when compared to an untransformed plant cell.

Claim 22 (currently amended). A method for increasing the regeneration ability of a plant, wherein the method comprises the step of [substituting] introducing [endogenous DNA having the same sequence as] the DNA of claim 1 in a plant by crossing.

Claims 1, 3-11, 13 and 16-22 are allowed. Previously nonelected inventions have been rejoined in accordance with *In re Ochiai*. The above amendments were made to obviate issues under 35 USC 112, first and second paragraphs. In claim 20, "increasing the activity" is interpreted by the Office to mean "increasing the expression" of SEQ ID NO:3.

#### **Contact Information**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong T. Bui whose telephone number is 571-272-0793.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on 571-272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phuong T. Bui/  
Primary Examiner, Art Unit 1638